

Patent Application No. 10/612,247
Amdt. date: September 15, 2004
Response to June 16, 2004 Office Action

REMARKS/ARGUMENTS

In the specification a typographic error was corrected in paragraph two of page 8 wherein the reference numeral for the housing 218 of buckle 210, was alternately referred to correctly as 218 and incorrectly as 18, which is the similar housing of alternate buckle 10. The amendment amends each occasion of "18" to read "218" in the subject paragraph.

Claims 1-20 are pending in the application. Applicants acknowledge and thank the Examiner for indicating that claims 1-9 are allowed.

Claims 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,588,077 to Katsuyama et al. and/or by commonly owned U.S. Patent No. 5,813,097 to Woellert et al.. Applicants respectfully traverse the rejections.

In order to anticipate a claim, the prior art reference must teach each and every limitation found in the claim. CITE. Moreover, each term of the claim is to be given meaning. Claim 10 requires, among other things, "an ejector spring having a first end coupled to the buckle housing and a second end configured to engage a belt anchor of the buckle in the locked position." Neither the ejector spring (8) of Katsuyama, nor either of the ejector springs (68, 70) of Woellert ever make contact with or otherwise engage their respective belt anchors (4 in Katsuyama and 132 in Woellert). This is enough to avoid anticipation of claim 10, and hence each of its dependent claims 11-17. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 10-17.

Turning to claim 18, it requires, among other things, a pivot arm coupled to a button and a belt-anchor catch, the pivot arm "formed to define a pivot axis along a length of the pivot arm." Neither Katsuyama, nor Woellert disclose or otherwise teach a pivot arm that pivots along its length. Applicants first note that the so-called pivot arm 17g of Katsuyama is not even a pivot arm, rather, it is a "sliding portion." (Katsuyama, col. 11, l. 21; col. 12, ll. 7-12.) In fact, Katsuyama does not teach a "pivot arm" as claimed in the instant application. Nonetheless, assuming *arguendo*, that latch 17 is a pivot arm, it does not pivot along its length. Similarly, the pivot arm (50) of Woellert does not pivot along its length; rather, it pivots about an axis perpendicular to its length. While this is enough to traverse the anticipation rejections, Applicants further note that neither Katsuyama, nor Woellert disclose or otherwise teach an "actuator" comprising a button, a catch and a pivot arm each coupled to one another and yet each spaced apart from one another in order to form a spring-receiving space between them as claimed in claim 18.

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Looking first at Katsuyama, although the office action cites a button (16) a catch (6) and a pivot arm (17g), it is the case that the so-called catch (6) is actually an “ejector (6)” that never locks the tongue plate (4) into place, but rather and contrarily ejects it from the locked position. (Katsuyama, col. 9, l. 49 through col. 10, l. 13.) Instead, it is the latch 17 (17i) that engages and locks the tongue and therefore must be the “catch”. (Katsuyama, col. 14, ll. 36-41.) So too, as noted 17g is not even a pivot arm, rather, it is a “sliding portion.” (Katsuyama, col. 11, l. 21; col. 12, ll. 7-12.) In fact, Katsuyama does not teach a “pivot arm” as claimed in the instant application. Nonetheless, assuming *arguendo*, that 17g is a pivot arm, the button 16 is not coupled to either this so-called pivot arm 17g or the catch 17i. Moreover, none of the button 16, the so-called pivot arm 17g or the catch 17i are spaced apart from each other in order “to form a spring-receiving space between the pivot arm, button and belt-anchor catch.” The spring (8) of Katsuyama is not interspersed between any of these components. Similarly, in commonly owned Woellert et al., the button (114) (the office action asserts that the button is 116, Office action at p. 3; but 116 is an “aperture”; see Woellert, col. 6, ll.5-7.) is not coupled to either the catch (36) or the pivot arm (50), and these components are not spaced apart to form a space to receive ejector spring (68, 70).

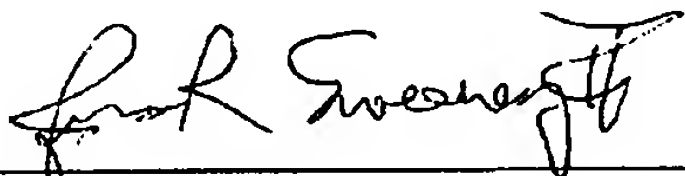
Katsuyama is missing at least one other limitation found in claim 18, namely the locking spring (20) of Katsuyama is not “positioned between and engaged with the buckle housing [2] and the belt-anchor catch [17i].” To the contrary, the locking spring (20) is “mounted at the front surface of the lock member 13”; (Katsuyama, col. 12, ll. 58-59.), and is mounted at its opposite end to the button (16), (Katsuyama, col. 13, ll. 1-20.).

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Based on the foregoing, Applicants respectfully request that claims 10-20 be passed to issue. This submission is thought to be timely without any need for an extension of time; however, if any such extension of time is needed, Applicants respectfully request that this submission be considered as a petition for extension of time sufficient to render this submission timely. No fees are thought due at this time; however, the Commissioner is authorized to charge any fees due in connection with this submission, other than issue fees, and to credit any overpayments which may be due to the undersigned counsel's deposit account 10-0435 with reference to our file 2835-71783. Applicants ask that the Examiner contact Applicants' counsel James R. Sweeney II (317-231-7771) should the Examiner have any further questions after review of the present amendment.

Respectfully,

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